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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

LANCE D. LINTON, SR.,

Petitioner,

vs.

FRANK LUNA, et al.,

Respondents.

Case No. 3:07-cv-00051-RRB

**MOTION FOR 7-DAY EXTENSION OF
TIME TO FILE RESPONSE TO LUNA'S
“MOTION TO DISMISS”**

Filed on Shortened Time

Petitioner, Lance D. Linton, Sr., by and through counsel Mary C. Geddes, Assistant Federal Defender, and Averil Lerman, Staff Attorney, moves this court for a 7-day extension of time to file a response to respondent's “Motion to Dismiss.” Linton's response is currently due on Tuesday, September 18, 2007. No previous extensions have been requested for this purpose.

Additional time is needed for preparation of the response because there are numerous issues which must be addressed therein, and the time needed to address those issues is greater than anticipated. This motion is brought pursuant D.Ak.LR 5(e) (providing that an opposition to a motion is due within 15 days after service), D.Ak.HCR 11 (providing that the Federal Rules of Civil

Procedure may be applied to proceedings brought under 28 U.S.C. § 2254 if not inconsistent with habeas rules), and Fed. R. Civ. P. 6(b) (allowing enlargement of time).

Undersigned counsel left both voice and email messages for respondent's attorney, Kenneth M. Rosenstein, but was unable to confer with him before filing this motion.

DATED this 18th day of September, 2007.

Respectfully submitted,

FEDERAL PUBLIC DEFENDER
FOR THE DISTRICT OF ALASKA

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Certification:
I certify that on September 18, 2007,
a copy of the foregoing document
was served electronically on:

Kenneth M. Rosenstein, Esq.

/s/ Averil Lerman
/s/ Mary Geddes